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ADMINISTRATION OF JUSTICE

Report of the sessional working group on the administration of justice

Chairperson-Rapporteur: Mr. Yozo Yokota

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Introduction

1. By decision 2001/102 of 31 July 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided to establish a sessional working group on the administration of justice. With the agreement of the Sub-Commission members, the Chairman, Mr. David Weissbrodt, appointed the following experts as members of the working group: Ms. Françoise Hampson (Western European and other States), Ms. Antoanella Iulia Motoc (Eastern Europe), Mr. Paulo Pinheiro (Latin America), Mr. Yozo Yokota (Asia), Ms. Leïla Zerrougui (Africa).

2. The following members of the Sub-Commission also took part in the discussions in the working group: Mr. Alonso Gómez-Robledo Verduzco, Mr. El-Hadji Guissé, Mr. Louis Joinet, Mr. Miguel Alfonso Martínez, Mr. Yeung Kam Yeung Sik Yuen.

3. The working group held two public meetings, one on 5 August and the other on 9 August 2001. An additional meeting, for the adoption of the provisional agenda of the next session and the present report, was held on 10 August 2001.

4. A representative of the Office of the High Commissioner for Human Rights opened the session of the working group. The working group elected, by consensus, Mr. Yokota as Chairperson-Rapporteur for its 2001 session.

5. Representatives of the following non-governmental organizations took the floor during the debate: International Commission of Jurists, Pax Romana, Association of World Citizens, War Resisters International.

6. The working group had before it the following documents:

Report of the 2001 sessional working group on the administration of justice (E/CN.4/Sub.2/2000/44);

Improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level - Part 2: report prepared by Mr. Héctor Fix-Zamudio (E/CN.4/Sub.2/2001/WG.1/CRP.2);

Discrimination in the criminal justice system: working paper prepared by Ms. Leïla Zerrougui (E/CN.4/Sub.2/2001/WG.1/CRP.1);

Rapport interimaire relatif à l'administration de la justice par les tribunaux militaire, by Mr. Louis Joinet (E/CN.4/Sub.2/2001/WG.1/CRP.3).

7. The following documents were submitted during the session: "Domestic implementation in practice of the obligation to provide effective domestic remedies" and "The accountability of armed forces, United Nations civilian police and international civil servants taking part in peace support operations", by Ms. Hampson; "Follow-up report on the death penalty", by Mr. Guissé.

Adoption of the agenda

8. At its first meeting, the working group considered the provisional agenda contained in document E/CN.4/Sub.2/2000/44. On the proposal of Ms. Hampson, a new topic, that of the functioning and accountability of United Nations peace support operations, was added to the agenda. With this addition, the agenda for the session was adopted as follows:

1. Issues relating to the deprivation of the right to life, with special reference to:

   (a) Imposition of the death penalty;

   (b) Summary, arbitrary and extrajudicial executions.

2. Privatization of prisons: annually updated report.

3. Improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level.

4. Administration of justice through military tribunals and other exceptional jurisdictions.

5. The domestic implementation in practice of the obligation to provide domestic remedies.

6. Functioning and accountability of United Nations peace support operations.

7. Discrimination in the criminal justice system.

8. Provisional agenda for the next session.

9. Adoption of the report of the working group to the Sub-Commission.

9. At the request of Ms. Hampson, the discussion on items 5 and 6 was postponed until after that on item 7. At the suggestion of the Chairperson-Rapporteur, which reflected the general view of the members of the working group, it was agreed not to discuss item 2 at the present session.

I. ISSUES RELATING TO THE DEPRIVATION OF THE RIGHT TO LIFE, WITH SPECIAL REFERENCE TO: (A) IMPOSITION OF THE DEATH PENALTY; (B) SUMMARY, ARBITRARY AND EXTRAJUDICIAL EXECUTIONS

Imposition of the death penalty: follow-up report by Mr. Guissé

10. Mr. Guissé made an oral presentation, a written version of which was later distributed among the members of the working group. He reported that some 54 countries had abolished the death penalty. However, many others still retained or had re-established it, among them the

United States and some of its states; 97 per cent of those countries applied the death penalty for various common crimes. It was especially grave that the application of the death penalty was often accompanied by massive media coverage and publicity, to the point that it could not be said whether the execution was aimed at discouraging potential criminals or at taunting the consciousness of humanity. If the main objective was to intimidate, the effect actually achieved was the opposite.

11. There were also countries in which mass executions covered by the press were used as part of a strategy to fight criminality. Such media coverage of executions constituted a form of torture over and above the death penalty. Mr. Guissé suggested the adoption of a resolution requesting the Commission to request all States to prohibit the publicizing of executions.

12. Mr. Guissé also reported that pregnant women, minors and mentally handicapped people were executed in many countries. In the United States, for instance, the death penalty had racial connotations as around 80 per cent of those sentenced to capital punishment were black. That practice constituted racial discrimination.

13. Mr. Guissé praised and encouraged the European practice, and the European campaign for the abolition of the death penalty. It was noteworthy that criminality had not increased in European countries as a result of that abolitionist policy, which showed that there were alternative and equally effective means of fighting criminality and punishing those who had committed crimes. He underlined the role of the Sub-Commission in encouraging such developments.

14. Several members of the working group and the Sub-Commission took the floor to comment on Mr. Guissé's follow-up report. Mr. Joinet endorsed Mr. Guissé's position on the media coverage of executions. He stated that it was a matter that affected the human dignity of the convicted person, regardless of his or her guilt. Mr. Goonesekere agreed, but expressed the view that freedom of expression of the media must be preserved. He also noted that sometimes publicity helped to raise public awareness and thereby saved people from execution. He observed that many persons who committed serious crimes were executed a long time afterwards. By bringing those issues to the public attention, the media could play a positive role.

15. Mr. Guissé explained that his criticism was confined to media coverage of the execution itself; he approved of the positive role that the media could play at the previous stages. The procedures, and the whole trial, should be the subject of media coverage because such coverage was necessary to help people on death row.

16. At the Chairman's invitation, the representatives of two non-governmental organizations took the floor. The representative of the Association of World Citizens expressed concern that, notwithstanding the international campaign to prohibit the execution of mentally handicapped people, such executions had continued, as had executions of minors and pregnant women. The representative of War Resisters International drew attention to cases of executions of deserters, noted that some countries had entered reservations to the Second Optional Protocol to the International Covenant on Civil and Political Rights in that regard and appealed to those countries to withdraw them.

II. IMPROVEMENT AND EFFICIENCY OF JUDICIAL INSTRUMENTS FOR THE PROTECTION OF HUMAN RIGHTS AT THE NATIONAL LEVEL AND THEIR IMPACT AT THE INTERNATIONAL LEVEL

17. Under this item, the working group considered the second report submitted by Mr. Fix-Zamudio (E/CN.4/Sub.2/2001/WG.1/CRP.2). Mr. Alonso Gómez-Robledo Verduzco, as alternate to Mr. Fix-Zamudio, presented an oral summary of the document to the working group.

18. Mr. Gómez-Robledo Verduzco pointed out that the report focused on the conditions necessary for the mechanisms established for human rights protection to be effective. International instruments set out minimum standards on this matter. In that regard, it was necessary to consider general judicial guarantees applicable to the protection of all rights, together with those specially designed for the protection of human rights. Several international instruments addressed ordinary judicial guarantees. Among the essential elements they had in common was the holding of a fair hearing within a reasonable time by an impartial and competent tribunal. With regard to the protection of fundamental rights and freedoms, universal and regional instruments established that everyone had the right to effective and rapid judicial recourse against violations of his or her rights. There was thus a link between procedures at the national level and the provisions of international instruments that set standards to ensure effectiveness. Some of the standards referred to access to justice as the need to ensure that those whose rights had been violated actually had recourse to the courts, and there was a trend towards the establishment of mechanisms of legal and financial assistance to that end. It could be concluded that a judicial "social security" system was being established. In classic constitutionalism, the procedural right to bring an action was purely formal. The current trend was to consider that right as a human right to justice, and not merely a formal right to go to court or to have recourse to public conflict-resolution bodies. In that context, judges had adopted a more active role in the process through the application of the principle that they knew the law and must apply it even when the parties did not invoke it correctly.

19. Due process of law was an Anglo-American concept that had had a great impact on the legal order in other regions, e.g. Latin America. It was also known as the right to a fair hearing. An essential element for the effectiveness of mechanisms of protection was the concept of the competent, impartial and independent judge. The principle of the competent (also called natural) judge implied that people could not be tried by ad hoc, special or military tribunals but must be tried by tribunals established prior to the events. The requirement of an independent and impartial judge had been recognized in domestic legal orders and international instruments. For instance, the United Nations had adopted in 1985 the Basic Principles on the Independence of the Judiciary, which required all governmental agencies to respect judicial independence. It was also essential for the procedures to be simple, brief and to be held within a reasonable time (i.e. without undue delays). Although those guarantees originally applied to personal freedom, they had been extended to other rights but were not easy to implement in all cases, despite the efforts made. One obstacle in that regard was the excessive formalism and the cumbersome nature of procedures. Although some work to reform the courts and the relevant legislation had been carried out, it had been only relatively successful.

20. Notwithstanding efforts to reduce it, there was a high backlog of cases. Most of the time decisions were not implemented expeditiously. In that regard, consideration should be given to the jurisprudence of the Inter-American and European Courts of Human Rights, which had found that serious delays constituted violations of the respective conventions.

21. A last element essential for the effectiveness of the mechanisms of human rights protection related to the enforcement of and compliance with international decisions at the national level. Compliance with international decisions was not easy because the public authorities called upon to enforce the decision were the same ones involved in the violations. There was a need to enact national legislation to address issues of compliance and the enforcement of decisions or recommendations of international bodies. There had been some progress in Latin America in that regard, e.g. the national legislation of Peru, Colombia and Venezuela.

22. Mr. Guissé observed that justice had two faces, depending on whether the accused was in a developing or developed country. People without financial means to ensure their defence would be denied due process of law. That applied especially in cases involving deprivation of personal liberty. The protection of such individuals should start at the stage of their detention by the police. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment would be the applicable international standard. It was at that stage that violations of rights started, with far-reaching consequences for the rest of the process. When the individual did not have the necessary financial means to defend his or her case, it was impossible to ensure the protection of his or her rights and the rest of the proceedings would be biased against him or her. Those without means would spend their lives in prison, where they would probably be abused even more. There were, however, safeguards to protect individual rights during detention: habeas corpus, amparo, etc. The Sub-Commission should remind States of the existence of those mechanisms and of the need to provide legal aid for persons accused of any crimes, not only serious crimes.

23. Mr. Alfonso Martínez asked whether an in-depth study could be done on the matter and underlined the need for further exploration of procedural guarantees. Commenting on paragraph 38 of the report, he observed with approbation that respect of procedural guarantees was the only way to provide a remedy for the wrong done to an individual. The guarantee of the right to appear before a court and the guarantee that the defence would be carried out properly were essential elements. The reference to the existing legal order (para. 40 of the report) as the need to ensure that sentences were consistent with existing substantive law would involve the working group in the complex question of whether the existing legal order in a given country was adequate or not. It would be more advisable to focus on two other questions: was the accused able to defend him/herself in an adversarial process? Is legality ensured in practice, or only formally?

24. Mr. Joinet made some observations on the content of the report. First, the title of the study, "improvement" of judicial instruments, appeared to refer to the action by the State at the national level. As to the "efficiency" of international instruments, the question was, what was the role of the national judge in that regard? Once the State had ratified an international convention, subject to the reservations made the national judge must apply the rule of superiority of international norms over national law. That had happened, for instance, in France. While a

State had not ratified the relevant international convention the national judge might not apply the international norm. Therefore, in assessing effectiveness, there were two stages: first, when the judge first applied the international norm (sometimes following the jurisprudence of the higher courts) and second, when he became accustomed to applying them as a matter of ordinary law.

25. Mr. Sik Yuen observed that the paper covered a very broad range of issues. He also observed that the inequality present in real life was reflected in the judicial system. There was no general principle of equality, but rather a right to equal protection of the law. When it came to the application of the law, whether a person was rich or poor was irrelevant. Mr. Sik Yuen also commented on the principle of independence and impartiality of the judiciary. What made an institution work was the quality of the people who ran them. There was also a normal interplay between the different branches of government, which could not be seen as interference. As to the need to avoid undue delays, he underlined that justice delayed was justice denied. There was also a pressing need to do away with overly bureaucratic and obsolete procedures. In common law systems an examining magistrate referred the case to a trial court once he had determined the existence of a prima facie case. That process took a long time and might need to be reformed. Concerning Mr. Guissé's comments, Mr. Sik Yuen observed that a case started once an enquiry had been made and procedural guarantees should be observed at that stage. Enquiries were conducted by police officers who in most countries were not under judicial control. In some systems, the fact that the police were under the home affairs ministry might prevent them from carrying out an independent and thorough investigation.

26. Ms. Zerrougui, commenting on Mr. Joinet's observations on the application of international instruments by the national judge, said that in regions in which there were no international courts, the question was whether there was a domestic law implementing the provisions of the ratified international instrument. Without implementing legislation, the ratification had no practical effect.

27. Mr. Gómez-Robledo Verduzco made some final remarks and noted the primary importance of national norms and institutions in the protection of human rights, the international mechanisms being a complement to them. Domestic remedies could theoretically be used by everyone, but their full use would only be possible with the provision of advice and legal aid. He observed, on the issue of reservations to human rights treaties, that a forthright prohibition of such reservations would be desirable, but recalled the existing tension between the need for universal ratification and the need to preserve the integrity of the treaty.

III. ADMINISTRATION OF JUSTICE THROUGH MILITARY TRIBUNALS AND OTHER EXCEPTIONAL JURISDICTIONS

28. Mr. Joinet presented his report, stressing its preliminary character and noting some technical problems in the document.

29. In his 1969 report to the Sub-Commission on equality before the courts, Mr. Abu Rannat had provided remarkable insights about the role of military tribunals. A recent decision of the South African Supreme Court, finding that the trial of military officers by military tribunals was discriminatory since their rights could not be equally guaranteed in those courts, appeared to confirm Mr. Abu Rannat's insights.

30. The first part of Mr. Joinet's interim report reviewed international norms and their application by international bodies, as well as national norms and jurisprudence such as those of Argentina, Colombia and South Africa. He stated that he had found more than he expected in that regard. The Human Rights Committee, for instance, used to consider that military jurisdictions per se were not contrary to the provisions of the International Covenant on Civil and Political Rights, but in view of the serious violations taking place in the context of their activities, the Committee had changed its position. The interim report cited several of the Committee's decisions in that regard. The final report would therefore look at the positive developments rather than at the criticisms that might be raised with regard to military tribunals. Such an approach would help everyone in the task of making military justice compatible with international standards. Mr. Joinet proposed to identify the trends and, in a second part, to elaborate guidelines or benchmarks for Governments engaged in the reform of their military justice systems.

31. The second part of the interim report looked at the doctrine and jurisprudence of international, regional and national bodies. The next report would provide a typology of diverse military tribunals. The latter was important because the evolution of military justice was linked to national history; France had had a national security court, and it had taken some time to abolish it. The typology would also allow the identification of the best ways to support and accelerate the positive evolution that was taking place. At a first stage, and with the support of the International Commission of Jurists, Mr. Joinet had prepared a long questionnaire, but had modified it to contain fewer and simpler questions. The sources for the study would be those available within the United Nations system: the database of treaty bodies and the Charter-based bodies, as well as thematic and country reports submitted by special procedures. Military law journals would also be a useful source.

32. Ms. Hampson stressed the importance of the issues dealt with by the interim report. In that regard, one source to consider was the case law of the European Court of Human Rights. The jurisprudence of the Court had recently addressed the question of whether it was appropriate for a military judge to sit on a tribunal to judge a civilian. The European Court had ruled that it was not appropriate because the civilian would have concerns about the lack of independence of the military judge. That ruling was important for other European countries. Second, the Court had established that the guarantees of due process would apply in criminal cases heard by courts martial. Ms. Hampson also underlined the importance of the jurisprudence of the Human Rights Committee and the case law of the Inter-American and the European Courts of Human Rights insofar as their views and decisions on individual cases could be expected to apply consistently to other cases. She suggested that the study also consider that it might be possible to convene a court martial wherever the suspect happened to be: some summary procedures could be held overseas. She asked about the criteria adopted by the Swiss military court that had found a citizen of Rwanda guilty of genocide.

33. Ms. Zerrougui expressed the hope that next year's report would look at crimes committed abroad; she evoked the case of United States servicemen accused of rape in Japan. She also mentioned the case of children being tried in Israel under criminal charges as one that deserved to be analysed.

34. Mr. Gómez-Robledo Verduzco agreed that military courts had undergone far-reaching reforms limiting their powers to judge civilians and were now more in line with international standards on due process.

35. Mr. Guissé said that the composition of military tribunals was varied and a distinction should be made between the tribunals chaired by civilians and those military tribunals composed of military officers to try other military officers. He suggested that the power of military tribunals to try civilians and minors be analysed.

36. The representative of the International Commission of Jurists commended the report but noted that some important instruments, such as the draft convention on forced disappearances, which contained provisions restricting the power of military courts, had not been taken into consideration. The International Commission of Jurists offered its collaboration in holding seminars of experts, including military officers, to discuss the issues. The representative of War Resisters International stated that the best solution was abolishing such courts, as had been done in South Africa. He suggested that the case of deserters and conscientious objectors to military service who were tried and severely punished should be further analysed in the proposed study. The representative of Pax Romana supported the analysis of the accountability of international peacekeeping operations, as well as of the role and responsibility of foreign armed forces stationed in the Republic of Korea and Japan, among others. There had been a number of criminal cases in the two countries involving United States servicemen that could not have been tried by the national courts.

37. Ms. Hampson commented that before abolishing military tribunals, which had the power to try service personnel stationed abroad, it should be ensured that civilian tribunals were granted the power to try them. In the United Kingdom, civilian tribunals had only limited jurisdiction over crimes committed abroad by United Kingdom citizens. Regarding the case of conscientious objectors, she suggested that the study analyse cases of multiple jeopardy involving that category of people. Further, in some countries people under 18 were allowed to serve in the armed forces and would therefore potentially be subject to court martial. That issue should be covered in the questionnaire.

38. Mr. Joinet welcomed and commented briefly on the comments and suggestions made. He later distributed a modified version of the interim report which incorporated the contributions made during the discussion in the working group.

39. The Chairperson reminded the working group of paragraph 46 of the previous year's report which read as follows: "The working group approved the working document and decided to ask Mr. Joinet to submit at its next session an interim report under item 6 of the provisional agenda. The final report, taking into account the suggestions made by the participants, should be submitted in 2002. It could eventually be submitted to the Sub-Commission at its fifty-fourth session for consideration".

IV. DISCRIMINATION IN THE CRIMINAL JUSTICE SYSTEM

40. Ms. Zerrougui first explained the general organization of her working paper and the procedure followed in its preparation. The main sources were the human rights treaty body reports and documents, as well as previous reports submitted to the Commission and Sub-Commission. Documents of other United Nations bodies and specialized agencies had also been useful. A future study on the matter would only be justified if it had as its main purpose to identify the foundations of discrimination in the criminal justice system and to recommend ways and means to overcome that situation.

41. The paper provided an overview of the place and status granted to the non-discrimination clause within international instruments in general and of the legal framework applicable to the non-discrimination principle with regard to the administration of criminal justice as provided for by international instruments. That legal framework allowed an appreciation of the degree of compatibility of national legislation with international standards. With regard to the poor and vulnerable, the application of the principle was problematic. Its full application could only be achieved by positive action on the part of Governments, which might face the problem of scarcity of resources. That problem deserved further examination.

42. The report also looked at manifestations of discrimination within the criminal justice system. The preparatory work for the World Conference against Racism had already focused on that issue and had questioned the efficiency of the criminal justice system, which did not protect victims of discrimination or offer them effective means of redress. The criminal justice system was called into question not only for failing to deal with discrimination in society but also for institutionalizing social discrimination. It reproduced social inequalities and tolerated the practice of discrimination within itself.

43. Concerning the discriminatory mechanisms within the criminal justice administration, the report identified some lines of future research. First, international norms, which were the result of inter-State cooperation and took the form of international and regional conventions, offered insufficient protection against discrimination which affected aliens in particular, as the conventions favoured nationals. Aliens were therefore discriminated against at the national level and also had no protected status at the international level. Second, the institutionalized discrimination at the national level, including passive discrimination resulting from the failure to adopt positive action to address discrimination, needed further analysis, especially when discrimination occurred in a context of scarce resources.

44. Ms. Zerrougui recalled some important issues for future research developed in her report, in particular, the need to focus on domestic norms that were discriminatory or applied in a discriminatory manner. Future research should also look at the rules and jurisprudence of the International Criminal Tribunal for the Former Yugoslavia which provided for new procedures that allowed for the protection of victims and witnesses.

45. Ms. Motoc suggested that a fully developed report be submitted to the Sub-Commission and underlined the importance of focusing the analysis on the element of the institutional mechanisms of discrimination. Ms. Hampson raised three points. To concentrate on machinery would be useful, but that would include examining the operation of the criminal justice system,

i.e. how cases were brought to the court and how they were dealt with. In some cases, the absence of proceedings might be attributable to some form of discrimination. The grounds of discrimination considered also needed clarification. For instance, the European Court of Human Rights considered lack of means as an element that restricted access to the courts. An area of special attention was discrimination against the Roma: in another case, the European Court had found that the absence of proceedings against alleged perpetrators of violations was attributable to the applicant's being a young Roma boy. As to the protection of witnesses and the production of evidence, she considered that whether there existed mechanisms of protection of women, men and children was also revelatory of the existence of discrimination and was worth examining in the report.

46. In replying to the comments and questions made, Ms. Zerrougui expressed her agreement with the suggestion to focus on the issue of mechanisms and welcomed all contributions in that regard.

V. THE DOMESTIC IMPLEMENTATION IN PRACTICE OF THE OBLIGATION TO PROVIDE DOMESTIC REMEDIES

47. Ms. Hampson presented a short paper, circulated only in English, stating that the provision of an effective remedy was at the heart of human rights law. If duly implemented, it should ensure that there were fewer violations. In many jurisdictions it was not implemented properly. For that reason, it was recommended that the Sub-Commission authorize the preparation of a working paper on the matter. A proposal in that regard had been presented to the Sub-Commission for adoption.

48. Ms. Motoc agreed, but doubted whether it was possible to address the whole range of issues in one paper. Ms. Hampson explained in this regard that the paper would concentrate on two issues: first, the extent to which the national judge could or actually did use human rights standards when dealing with cases involving human rights violations. Would the individual be able to raise those standards in the proceedings? Second, how complaints against State officials were dealt with before they reached a court.

49. Mr. Joinet expressed concern about the number of studies to be made within the Sub-Commission. He asked the Chairperson to consult whether and to what extent the rules setting a limit of 13 studies at a given session would apply. The Chairperson suggested that the issue be discussed in the closed meeting.

VI. FUNCTIONING AND ACCOUNTABILITY OF UNITED NATIONS PEACE SUPPORT OPERATIONS

50. Ms. Hampson presented a paper, circulated only in English on the scope of the activities and the accountability of military forces, United Nations police forces and United Nations staff participating in peace support operations. The paper contained a request to the Sub-Commission to appoint an expert to submit a working paper on the subject next year. The scope of the study proposed in the paper circulated included, first, clarification and analysis of the powers granted to those actors in matters of search, detention, lawmaking, etc. With regard to the legislative authority exercised by a special representative of the Secretary General, at present he or she was

not required to respect human rights law in the exercise of his or her legislative functions. A second area of analysis would be the system of accountability of United Nations and other forces, including the problems arising when the actual responsibility lay with the States of origin: how could the United Nations obtain information and ensure administrative discipline and the exercise of criminal jurisdiction? Especially problematic was the issue of the responsibility of United Nations staff: they could not be regarded as citizens of their national State since they were functionally "stateless". A draft decision had been submitted to the Sub-Commission for adoption authorizing the preparation of a working paper for next year.

VII. PROVISIONAL AGENDA FOR THE NEXT SESSION

51. In a closed meeting on 10 August 2001, the working group agreed on its provisional agenda for its next session. Given the importance of the subject, and at the request of the working group, Mr. Alfonso Martínez agreed to submit a written report on the privatization of prisons for the 2002 session of the working group. The working group also requested Ms. Motoc to prepare an introductory working paper on transitional justice for its 2002 session. The provisional agenda is the following:

1. Election of officers.

2. Adoption of the agenda.

3. Issues related to the deprivation of the right to life, with special reference to the imposition of the death penalty.

4. Privatization of prisons.

5. Improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level.

6. The domestic implementation in practice of the obligation to provide domestic remedies.

7. Transitional justice: mechanisms of truth and reconciliation.

8. Other issues.

9. Provisional agenda for the next session.

10. Adoption of the report.

VIII. ADOPTION OF THE REPORT OF THE WORKING GROUP TO THE SUB-COMMISSION

52. At its third meeting, on 13 August 2001, the working group unanimously adopted the present report to the Sub-Commission. The working group agreed to request the Sub-Commission to allocate two full meetings of three hours each, plus an additional session of one hour for adoption of the report, during its 2002 session. The working group further suggested that its first meeting be held on the afternoon of the first Monday of the 2002 session of the Sub-Commission.